

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, et al.,

Defendants.

Civil Action No. 4:65-cv-01300-HTW-LRA
1300(E)

**REPLY IN SUPPORT OF PRIVATE PLAINTIFFS' MOTION TO SEEK LEAVE
TO RE-DEPOSE AN UNPREPARED 30(b)(6) DESIGNEE**

Private Plaintiffs John Barnhardt *et al.* (collectively, "Plaintiffs") respectfully submit this Reply in support of their Motion for an Order Seeking Leave to Re-Depose Meridian Public School District Police Department ("MPSDPD") Chief Ricardo Clayton ("Chief Clayton"). ECF No. 117.

For reasons stated in Plaintiffs' Motion, Plaintiffs maintain their position that the District failed to adequately prepare Chief Clayton as required by Federal Rule of Civil Procedure 30(b)(6). Mem. in Supp. of Mot. to Seek Leave, ECF No. 118 at 3-7. Although the District agreed to move forward with the request to re-depose Chief Clayton in response to this Motion, Exhibit 1, Plaintiffs submit this Reply to correct misrepresentations in the District's Response.

First, in addition to the topic areas listed in the District's Response, Plaintiffs also intend to re-depose Chief Clayton about trainings required under the Memorandum of Understanding between the Meridian Police Department and MPSDPD. *Id.* Further, if any of Chief Clayton's

responses lead to other relevant areas of inquiry, Plaintiffs reserve the right to ask follow-up questions into those areas as well. *Id.*

Second, Plaintiffs deny the District's allegations that Plaintiffs did not provide documents to Chief Clayton during the deposition. Chief Clayton testified about several topics for which the District did not provide Plaintiffs with documents, which would have been required under the 2013 Consent Order, ECF No. 36 at ¶ 109, or that he incorrectly stated were outdated. The District provided clarification about some of these documents in its verified responses to the United States' first set of interrogatories, requests for production of documents, and requests for admissions, which were filed after the deposition. Exhibit 2.

Dated: November 28, 2018

Respectfully Submitted,

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Counsel for Private Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of this filing to all counsel record.

/s/ John S. Cusick
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